THE HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT APPEAL NO.1513 OF 1999

DATED : 03.04.2006

Between:

B.Sambi Reddy S/o late Basivi Reddy
Aged 56 years, Gudimalkapur, Hyderabad.

…Petitioner

A n d

The National Institute of Rural Development
Rep. by its Director General, Rajendra Nagar, Hyderabad
And others

…Respondents

THE HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT APPEAL NO.1513 OF 1999

JUDGMENT: (Per Hon'ble Sri Justice B.Prakash Rao)

Heard both sides.

The unsuccessful writ petitioner is the appellant herein, who seeks to assail the dismissal order dated 07.9.1999 made in W.P.No.8389 of 1992 filed by him *inter alia* seeking to assail the impugned action of the respondents in not granting him benefits including regularization from the date of his initial appointment as Junior Research Assistant with effect from 2.2.1974.

The case of the appellant in brief is that he was initially appointed as Junior Research Assistant and joined service on 02.02.1974. Therefore his service has to be regularized for all purposes from that date onwards and in spite of the fact that though many of his juniors were given promotions overlooking the appellant's seniority, his case was not considered. On contest, the learned single Judge did not find favour with the appellant's contention and dismissed the writ petition.

During the course of arguments, learned counsel appearing for the appellant pointed out that subsequent to the disposal of the writ petition, the respondents themselves, on re-examination of the matter, passed order No.164 dated 23.5.2003 regularizing the appointment of the appellant with effect from 02.02.1974 instead of 01.04.1974 in the cadre of Junior Research Assistant. In view of the same, there remains no dispute in regard to the date of regularization.

However, the fact remains, as contended on behalf of the appellant,

that his juniors Shri F.M.Pradhan, G.Ramachandraiah, A.C.Jena and A.Nagaseshanna have been promoted from 01.12.1976, 20.4.1977 and 1.12.1997 apart from giving later promotions from different dates, the particulars of which are extracted hereunder:

S.No. and Name	Date of Appointment As JRA (Rs.425-700)	Promotion to the post of Senior Research Assistant later redesignated as Research Associate on 1-5-1978 (Rs.550-900)	Promotion to the post of Senior Research Associate (Rs.650-1200)	Promotion to the post of Research Officer (Rs.700-1300) (Rs.8000-13500)	Asst. Director redesignated as Asst. Professor or Research Officer redesignated as Asst. Professor on acquiring of Ph.D (Rs.700-1300) (Rs.8000-13500)
1.B.Sambi Reddy	2-2-74	1-5-78	8-4-85	1-9-1994	7-4-2004
2.F.M.Pradhan	1-3-74	1-12-76	11-6-82	Selected as Asst. Director in direct recruitment	
3.G.Ramchandraiah	1-4-74	1-12-76	11-6-82		
4. A.C.Jena	1-4-74	20-4-77	11-6-82		
5.A.Nagaseshanna	1-4-74	1-12-77	26-11-83	1-1-1986	8-11-1994

This had occurred only in view of the fact that the appellant's service was not regularized as contended by him with effect from 02.2.1974 and hence he lost all his service benefits.

In view of the above, we direct that the appellant shall be given promotion from the date when his juniors were promoted and he shall also be given all such consequential promotional benefits from the date of his initial appointment i.e., 02.02.1974 and on the same lines as those promotions given to his junior Sri F.M.Pradhan. Therefore, it necessarily follows that the appellant would be entitled to all such service benefits including promotion and other emoluments by reckoning his service from 02.02.1974.

With the directions indicated above, the writ appeal is disposed of.

No costs.

B.PRAKASH RAO, J

D.APPA RAO, J

03.04.2006
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THE HON'BLE SRI JUSTICE B.PRAKASH RAO
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WRIT APPEAL NO.1513 OF 1999

(Judgment of the Bench delivered by
Hon'ble Sri Justice B.Prakash Rao)

DATED: 03.04.2006

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